



August 11, 2004

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BOB ALDRICH
Acting Executive Officer

TO: Local Agency Formation Commission

FROM: Acting Executive Officer
Project Manager

SUBJECT: Proposed:
"Holle Annexation to the Orange County Sanitation District"
(DA 04-03);
"Aronson Annexation to the Orange County Sanitation
District" (DA 03-27);
"Bottger Annexation to the Orange County Sanitation
District" (DA 04-05)

APPLICANT

Orange County Sanitation District (OCSD), by Resolution of Application,
and with consent of the sole property owners.

PROPOSAL

The three separate applications referenced in this report request LAFCO to collectively consider the annexations of approximately 3.5 acres of uninhabited territory to the Orange County Sanitation District. The purpose of the proposals is to provide sewer service to three properties, each consisting of one existing single-family home. All properties are located in the unincorporated Orange Park Acres area.

BACKGROUND

The subject applications are similar to several proposals recently filed with LAFCO by the OCSD on behalf of residents requesting access to sewer service to properties located in the unincorporated area of Orange Park Acres.

The City of Orange has addressed individual OPA resident requests to connect to public sewer through a contractual agreement with residents. However, the opportunity offered only a band-aid fix to a potentially larger policy issue; that of facilitating a proactive process for residents to gain access to public sewer service.

Policy Guidelines

Ideally, the subject territories should, if feasible, be annexed to the City of Orange, since city services are being extended beyond their boundaries. Pursuant to Government Code Section 56133, a city may provide new or extended services outside its jurisdictional boundaries if it first requests and receives written approval from the commission in the affected county. Additionally, the commission's policy on out-of-area agreements provides that LAFCO shall approve these agreements for service outside of a city's jurisdictional boundaries only in anticipation of a change of organization, i.e., annexation to the city. Your Commission recently authorized the acting executive officer to approve out-of-area agreements prior to recordation, in an effort to facilitate a more efficient approval process.

Extending Services

For the subject annexations, the City has agreed to provide retail sewer service to the territories. Staff has included as a term and condition of recordation of the subject annexations, that the City submits a copy of a signed and executed Out-of-Area Sewer Service Agreement between the City of Orange and the affected property owner (s) or an application to annex the property to the City.

LOCATION

The three proposed annexations are generally located in unincorporated Orange Park Acres area of Orange County. Two of the sites are located off of Meads Avenue west of Orange Park Boulevard. The third site is located on Clark Street just east of the intersection with Orange Park Boulevard. (See Attachment A, vicinity map).

ENVIRONMENTAL REVIEW

The projects are categorically exempt pursuant to Section 15319 of the State CEQA Guidelines.

PROPERTY TAX

No property tax exchange will occur as a result of these proposals pursuant to the Master Property Tax Agreement adopted by the Board of Supervisors for enterprise special district reorganization proposals.

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Adopt the form of resolution approving the "Holle Annexation to the Orange County Sanitation District" (DA 04-03); "Aronson Annexation to the Orange County Sanitation District" (DA 03-27); and "Bottger Annexation to the Orange County Sanitation District" (DA 04-05). LAFCO waives conducting authority proceedings pursuant to Government Code Section 56663. These approvals are subject to the following terms and conditions:

- a) Payment of Recorder and State Board of Equalization fees.
- b) The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- c) Recordation of the subject annexations is conditioned upon LAFCO's receipt of a signed and executed Out-of-Area Sewer Service Agreement between the City of Orange and the affected property owner (s) or an application to annex the property to the City.
- d) The effective date shall be the date of recordation.

Respectfully submitted,

BOB ALDRICH

KIM A. KOEPPEN

Attachment: A, Vicinity Map